

REMARKS

Claims 1-40 are pending in this application for reissue of U.S. Patent No. 6,271,278, which issued on August 7, 2001. This application is a continuation-in-part of U.S. Serial Number 08/416,269, filed April 4, 1995, now U.S. Patent No. 5,750,585. Reexamination and reconsideration are respectfully requested.

The amendments to the specification presented hereinabove represent select portions of the specification of Patent '585. Those portions are found in Patent '585 as follows:

Paragraphs [0001-0004] are found at col. 3, line 18 - col. 4, line 6.

Paragraph [0005] is found at col. 5, lines 23-42 of U.S. Pat. No. 4,178,361, the pertinent disclosure of which, i.e., hydrophilic monomers, is expressly incorporated by reference into Patent '585 (see col. 3, line 67).

Paragraphs [0006-0008] are found at col. 4, lines 7-47.

Paragraph [0009] is found at col. 5, lines 19-38.

Paragraphs [0010-0011] are found at col. 6, lines 40-56.

The amendments to independent claims 1, 11 and 20 presented hereinabove reduce the recited classes of disintegrant particles to at least one of (i) a crosslinked natural or synthetic polyelectrolyte, or (ii) a crosslinked neutral hydrophilic polymer. The amendments to dependent claims 7 and 17 presented

hereinabove further reduce the recited types of disintegrant particles by omitting microcrystalline cellulose, powdered cellulose, and cellulose fiber. The amendments to claims 33 and 36 presented hereinabove clarify that the types of disintegrant particles employed in a method of making an instant hydrogel composite or superporous hydrogel composite are the same as those recited in claims 1, 11 and 20, with support evident at least therefrom.

***I. Claims 1-40 were rejected under 35 USC 102(a) as being anticipated by Hahnle et al. (DE 195 40 951, corresponding to US Patent 6,136,873).*** This rejection is respectfully traversed.

The effective date of Hahnle et al. is May 7, 1997, whereas the filing date of U.S. Patent 6,271,278, for which reissue is sought, is May 13, 1997. However, the claimed subject matter was invented in this country prior to the effective date of Hahnle et al. Evidence of that fact has been summarized previously as follows:

1. The Rule 131 Declaration of inventors Kinam Park, Jun Chen, and Haesun Park, submitted on July 19, 2006, established that the original invention disclosure was sent to the predecessor law firm, Lowe, Price, LeBlanc & Becker, by courier on December 16, 1996.

2. A second Rule 131 Declaration of inventors Kinam Park, Jun Chen and Haesun Park, submitted on December 6, 2006, provided a copy of the aforementioned invention disclosure, entitled "SYNTHESIS OF SUPERPOROUS HYDROGEL COMPOSITES WITH FAST SWELLING, HIGH MECHANICAL STRENGTH, AND SUPERABSORBENT PROPERTIES" (Exhibit A).

In addition to the above evidence of prior invention, the amendments to the specification and claims presented hereinabove reduce the outstanding issues. In particular, the amendments to the specification establish that, at least as early as April 4, 1995, the inventors contemplated incorporation into the hydrogel foams of "appropriate fillers" (here "disintegrants") "that increase the strength of the foam or highly absorbent materials, such as activated charcoal or other carbon materials that augment the absorption characteristics of the foam." (see para. [0010]) The inventors exercised reasonable diligence in subsequently identifying the recited "(i) crosslinked natural or synthetic polyelectrolyte, or (ii) crosslinked neutral hydrophilic polymer" as being particularly preferred "fillers".

In addition, Exhibit A, which accompanied the December 6, 2006 Declaration of the inventors, clearly shows that they had identified such composite materials as "microparticles of crosslinked sodium carboxymethylcellulose, crosslinked sodium starch glycolate, or crosslinked polyvinyl-pyrrolidone (PVP)" and "hydrophilic, particulate composite materials, such as

microcrystalline cellulose crystals, crosslinked sodium carboxymethylcellulose (Ac-Di-Sol®), cross-linked sodium starch glycolate (Primojel® and Explotab®), crosslinked PVP (Crospovidone®)" as preferred disintegrants (see, e.g., pages 1, 20 and 31) at least by December 16, 1996 when the invention disclosure was sent by courier to the Lowe, Price law firm. The disclosed microparticles of crosslinked materials clearly fall within the recited classes of disintegrants.

For the above reasons, it is plain that the presently claimed invention was substantially conceived and reduced to practice prior to the effective date of Hahnle et al.

***II. Claims 1-40 were rejected under 35 USC 102(b) as being anticipated by EP 0744435.*** This rejection is respectfully traversed.

Initially, it is noted that the publication date of this reference is November 27, 1996. Therefore, it is improperly cited under 35 USC 102(b).

EP 0744435 is cited as teaching preparation of hydrogel composites in which the disclosed additives and agents "read on" the recited disintegrants of the claimed invention. However, as noted previously, none of the disclosed dispersion stabilizers, surface crosslinking agents, mixing assistants, cationic compounds, deodorants, perfumes, etc., teaches or suggests a recited disintegrant, i.e., (i) a crosslinked natural or

synthetic polyelectrolyte, or (ii) a crosslinked neutral hydrophilic polymer. Therefore, the cited reference does not fairly anticipate the claimed invention, even if it were cited, like Hahnle et al., under 35 USC 102(a).

In view of the foregoing amendments and remarks, it is apparent that the application is in condition for allowance. A Notice of Allowability and reissue are respectfully solicited.

Applicants request acknowledgement that the Information Disclosure Statement filed August 16, 2007 has been received and considered by the Examiner.

If, in the opinion of the Examiner, a telephone conversation could expedite prosecution, the Examiner is invited to telephone the undersigned attorney at the number given below.

Respectfully submitted,

  
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**CERTIFICATE OF MAILING**

I, James H. Meadows, hereby certify that this paper is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date February 12, 2009. Signature: 